

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 327

HOUSE BILL 2629

AN ACT

AMENDING SECTIONS 13-405 AND 13-3108, ARIZONA REVISED STATUTES; RELATING TO WEAPONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-405, Arizona Revised Statutes, is amended to
3 read:

4 13-405. Justification; use of deadly physical force

5 A. A person is justified in threatening or using deadly physical force
6 against another:

7 1. If such person would be justified in threatening or using physical
8 force against the other under section 13-404, and

9 2. When and to the degree a reasonable person would believe that
10 deadly physical force is immediately necessary to protect himself against the
11 other's use or attempted use of unlawful deadly physical force.

12 B. A PERSON HAS NO DUTY TO RETREAT BEFORE THREATENING OR USING DEADLY
13 PHYSICAL FORCE PURSUANT TO THIS SECTION IF THE PERSON IS IN A PLACE WHERE THE
14 PERSON MAY LEGALLY BE AND IS NOT ENGAGED IN AN UNLAWFUL ACT.

15 Sec. 2. Section 13-3108, Arizona Revised Statutes, is amended to read:

16 13-3108. Firearms regulated by state; state preemption;
17 violation; classification

18 A. Except as provided in subsection C- D of this section, a political
19 subdivision of this state shall not enact any ordinance, rule or tax relating
20 to the transportation, possession, carrying, sale, transfer or use of
21 firearms or ammunition or any firearm or ammunition components in this state.

22 B. A political subdivision of this state shall not require the
23 licensing or registration of firearms or ammunition or any firearm or
24 ammunition components or prohibit the ownership, purchase, sale or transfer
25 of firearms or ammunition or any firearm or ammunition components.

26 C. A POLITICAL SUBDIVISION OF THIS STATE SHALL NOT REQUIRE OR MAINTAIN
27 A RECORD IN ANY FORM, WHETHER PERMANENT OR TEMPORARY, INCLUDING A LIST, LOG
28 OR DATABASE, OF ANY OF THE FOLLOWING:

29 1. ANY IDENTIFYING INFORMATION OF A PERSON WHO LEAVES A WEAPON IN
30 TEMPORARY STORAGE AT ANY PUBLIC ESTABLISHMENT OR PUBLIC EVENT, EXCEPT THAT
31 THE OPERATOR OF THE ESTABLISHMENT OR THE SPONSOR OF THE EVENT MAY REQUIRE
32 THAT A PERSON PROVIDE A GOVERNMENT ISSUED IDENTIFICATION OR A REASONABLE COPY
33 OF A GOVERNMENT ISSUED IDENTIFICATION FOR THE PURPOSE OF ESTABLISHING
34 OWNERSHIP OF THE WEAPON. THE OPERATOR OR SPONSOR SHALL STORE ANY PROVIDED
35 IDENTIFICATION WITH THE WEAPON AND SHALL RETURN THE IDENTIFICATION TO THE
36 PERSON WHEN THE WEAPON IS RETRIEVED. THE OPERATOR OR SPONSOR SHALL NOT
37 RETAIN RECORDS OR COPIES OF ANY IDENTIFICATION PROVIDED PURSUANT TO THIS
38 PARAGRAPH AFTER THE WEAPON IS RETRIEVED.

39 2. EXCEPT IN THE COURSE OF A LAW ENFORCEMENT INVESTIGATION, ANY
40 IDENTIFYING INFORMATION OF A PERSON WHO PURCHASES, SELLS OR TRANSFERS A
41 FIREARM, UNLESS THE TRANSACTION INVOLVES A FEDERALLY LICENSED FIREARMS
42 DEALER.

43 3. THE DESCRIPTION, INCLUDING THE SERIAL NUMBER, OF A WEAPON THAT IS
44 LEFT IN TEMPORARY STORAGE AT ANY PUBLIC ESTABLISHMENT OR PUBLIC EVENT.

1 ~~C.~~ D. This section does not prohibit a political subdivision of this
2 state from enacting and enforcing any ordinance or rule pursuant to state
3 law, to implement or enforce state law or relating to any of the following:

4 1. Imposing any privilege or use tax on the retail sale, lease or
5 rental of, or the gross proceeds or gross income from the sale, lease or
6 rental of, firearms or ammunition or any firearm or ammunition components at
7 a rate that applies generally to other items of tangible personal property.

8 2. Prohibiting a minor who is unaccompanied by a parent, grandparent
9 or guardian or a certified hunter safety instructor or certified firearms
10 safety instructor acting with the consent of the minor's parent, grandparent
11 or guardian from knowingly possessing or carrying on the minor's person,
12 within the minor's immediate control or in or on a means of transportation a
13 firearm in any place that is open to the public or on any street or highway
14 or on any private property except private property that is owned or leased by
15 the minor or the minor's parent, grandparent or guardian. Any ordinance or
16 rule that is adopted pursuant to this paragraph shall not apply to a minor
17 who is fourteen, fifteen, sixteen or seventeen years of age and who is
18 engaged in any of the following:

19 (a) Lawful hunting or shooting events or marksmanship practice at
20 established ranges or other areas where the discharge of a firearm is not
21 prohibited.

22 (b) Lawful transportation of an unloaded firearm for the purpose of
23 lawful hunting.

24 (c) Lawful transportation of an unloaded firearm between the hours of
25 5:00 a.m. and 10:00 p.m. for the purpose of shooting events or marksmanship
26 practice at established ranges or other areas where the discharge of a
27 firearm is not prohibited.

28 (d) Any activity that is related to the production of crops,
29 livestock, poultry, livestock products, poultry products or ratites or
30 storage of agricultural commodities.

31 3. The use of land and structures, including a business relating to
32 firearms or ammunition or their components or a shooting range in the same
33 manner as other commercial businesses. Notwithstanding any other law, this
34 paragraph does not authorize a political subdivision to regulate the sale or
35 transfer of firearms on property it owns, leases, operates or controls in a
36 manner that is different than or inconsistent with state law. For the
37 purposes of this paragraph, a use permit or other contract that provides for
38 the use of property owned, leased, operated or controlled by a political
39 subdivision shall not be considered a sale, conveyance or disposition of
40 property.

41 4. Regulating employees or independent contractors of the political
42 subdivision who are acting within the course and scope of their employment or
43 contract.

1 5. Limiting firearms possession in parks or preserves of one square
2 mile or less in area to persons who possess a concealed weapons permit issued
3 pursuant to section 13-3112. The political subdivision shall post reasonable
4 notice at each park or preserve. The notice shall state the following:
5 "Carrying a firearm in this park is limited to persons who possess a permit
6 issued pursuant to section 13-3112, ARIZONA REVISED STATUTES." In parks or
7 preserves that are more than one square mile in area, a political subdivision
8 may designate developed or improved areas in which the political subdivision
9 may limit firearms possession to persons who possess a concealed weapons
10 permit issued pursuant to section 13-3112. The political subdivision shall
11 post reasonable notice at each designated developed or improved area. The
12 notice shall state the following: "Carrying a firearm in this developed or
13 improved area is limited to persons with a permit issued pursuant to section
14 13-3112, ARIZONA REVISED STATUTES." For the purposes of this paragraph,
15 "developed or improved area" means an area of property developed for public
16 recreation or family activity, including picnic areas, concessions,
17 playgrounds, amphitheaters, racquet courts, swimming areas, golf courses,
18 zoos, horseback riding facilities and boat landing and docking facilities.
19 Developed or improved area does not include campgrounds, trails, paths or
20 roadways except trails, paths and roadways directly associated with and
21 adjacent to designated developed or improved areas. Any notice that is
22 required by this paragraph shall be conspicuously posted at all public
23 entrances and at intervals of one-fourth mile or less where the park,
24 preserve or developed or improved area has an open perimeter. Any limitation
25 imposed by a political subdivision pursuant to this paragraph shall not apply
26 to a person:

27 (a) Engaged in a permitted firearms or hunter safety course conducted
28 in a park by a certified hunter safety instructor or certified firearms
29 safety instructor.

30 (b) At a properly supervised range, as defined in section 13-3107, at
31 a permitted shooting event, at a permitted firearms show or in a permitted
32 hunting area.

33 (c) Legally transporting, carrying, storing or possessing a firearm in
34 a vehicle.

35 (d) Going directly to or from an area where the person is lawfully
36 engaged in hunting, marksmanship practice or recreational shooting.

37 (e) Traversing a trailhead area in order to gain access to areas where
38 the possession of firearms is not limited.

39 (f) Using trails, paths or roadways to go directly to or from an area
40 where the possession of firearms is not limited and where no reasonable
41 alternate means of access is available.

42 6. Limiting or prohibiting the discharge of firearms in parks and
43 preserves except:

44 (a) As allowed pursuant to chapter 4 of this title.

45 (b) On a properly supervised range as defined in section 13-3107.

1 (c) In an area recommended as a hunting area by the Arizona game and
2 fish department and approved and posted as required by the political
3 subdivision's chief law enforcement officer. Any such area may be closed
4 when deemed unsafe by the political subdivision's chief law enforcement
5 officer or the director of the Arizona game and fish department.

6 (d) To control nuisance wildlife by permit from the Arizona game and
7 fish department or the United States fish and wildlife service.

8 (e) By special permit of the chief law enforcement officer of the
9 political subdivision.

10 (f) As required by an animal control officer in performing duties
11 specified in section 9-499.04 and title 11, chapter 7, article 6.

12 (g) In self-defense or defense of another person against an animal
13 attack if a reasonable person would believe that deadly physical force
14 against the animal is immediately necessary and reasonable under the
15 circumstances to protect oneself or the other person.

16 ~~D-~~ E. A violation of any ordinance established pursuant to subsection
17 ~~G-~~ D, paragraph 6 of this section is a class 2 misdemeanor unless the
18 political subdivision designates a lesser classification by ordinance.

APPROVED BY THE GOVERNOR MAY 11, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 12, 2010.